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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,257	11/28/2001	Thomas Kragh Christensen	NN-41 (P200000928)	3745
26137	7590	10/07/2004	EXAMINER	
PATENT DEPARTMENT SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP FOUR TIMES SQUARE NEW YORK, NY 10036			AMINI, JAVID A	
			ART UNIT	PAPER NUMBER
			2672	

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/997,257

Applicant(s)

CHRISTENSEN ET AL.

Examiner

Javid A Amini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed June 14, 2004 have been fully considered but they are not persuasive.

Applicant on first page of remarks lines 13-15 argues the reference Alan does not teach or suggest the user to configure a product on-line. Examiner's reply: Alan in fig. 1 illustrates a communication over a network (on-line). Alan in fig. 2 step 201 and also in abstract discloses an initiation for ordering session (products). In the abstract discloses a list of options (products) is presented to the user to select from step 310 in fig. 3 or a hardware product step 613 in fig. 6.

Examiner's comment: The hardware or software is considered as type of product. Applicant on page 7 lines 18-22 discloses the invention relates to a computer program product comprising program code means stored on a computer-readable medium. Alan again in figs. 8 illustrates a plurality of products as a graphical image on a display. Also in fig. 4 step 411 indicates selections from list generated in step 405. Examiner is not convinced conceptually from the Applicant's remarks to distinguish between the reference Alan and the applicant claim language.

Applicant on first page of remarks lines 19-24 argues that the combination of the second reference Ellis with the Alan do not show that a user can select from a plurality of choices.

Examiner's reply: The response has been shown in pervious paragraph. Examiner would like to refer Applicant to fig. 1 in Ellis steps 104, 114 and 10. And also refer to fig. 2 for selecting a product, in fig. 4 step 404 discloses a product configuration and display.

Examiner's suggestions: Applicant requires being more explicit toward using claim language. And also may schedule an interview.

Claim Objections

Claims 1, 2, 9, 10 and 18 objected to because of the following informalities:
characterizing miss-spelled “characterising”, and customizing miss-spelled “customising”.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 9 rejected under 35 U.S.C. 102(b) as being anticipated by Alan U, GB
2335768A.

1. Claim 1.

Alan in fig. 2 illustrates generating list of product type, see steps 204-207 “A method of configuring a product, where the product is to be assembled from a plurality of components, each component being available in at least one variant, the method comprising the steps of presenting to a user, via a user interface, a first plurality of variants of a first one of said plurality of components; Alan in fig. 2 illustrates step 210 teaches the “receiving from the user an indication of a first variant selected from the first plurality of variants”; this step is inherent because the computer system has a display “presenting to the user via the user interface a graphical representation of the first variant”; Alan in fig. 2 illustrates steps 207, 213 and 220 “characterized in that the method further comprises the steps of presenting to the user, via the user interface, a second plurality of variants of a second one of said plurality of components”;

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Alan in fig. 2 illustrates steps 207, 213 and 220 "receiving from the user an indication of a second variant selected from the second plurality of variants"; Alan in fig. 2 illustrates steps 238 and 241 "presenting to the user, via the user interface, a graphical representation of the first selected variant of the first component in a predetermined relationship to the second selected variant of the second component".

2. Claim 9.

See rejection of claim 1. A system for customizing a product, where the product is assembled from a plurality of components, the system comprising first display means adapted to present a first plurality of variants of a first one of said plurality of components; first input means adapted to receive an indication of a first variant selected from the first plurality of variants; second display means adapted to present a graphical representation of the first selected variant; characterized in that the system further comprises third display means adapted to present a second plurality of variants of a second one of said plurality of components; second input means adapted to receive an indication of a second variant selected from the second plurality of variants; the second display means is adapted to present a graphical representation of the first selected variant of the first component in a predetermined relationship to the second selected variant of the second component.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-8 and 10-21 rejected under 35 U.S.C. 103(a) as being unpatentable over Alan, and further in view of Ellis WO 00/4954.

3. Claims 2 and 10.

The method further comprises the step of graphically animating the positioning of the second variant of the second component in the predetermined relationship to the first variant of the first component. Alan does not explicitly specify the step of animation of the second variant in the predetermined relationship to the first variant. But Ellis on page 4, second paragraph teaches the step of animation of first product by rotating the 3-D representation of the product. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Ellis into Alan in order to have an optional animation tool for viewing the variety of products. This combination will provide a useful service to users who would like to purchase a computer with add on products.

4. Claims 3 and 11.

The method further comprises the step of interactively animating the positioning of the second variant of the second component in the predetermined relationship to the first variant of the first component, where the interactively animated positioning is controlled by user commands. Ellis on page 4, second paragraph teaches the step of animation of first product by rotating the 3-D representation of the product.

5. Claims 4 and 12.

The method according to claim 1, wherein the graphical representation of the first variant of the first component in the predetermined relationship to the second variant of the second

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component is a three-dimensional rendering of the first variant of the first component in the predetermined relationship to the second variant of the second component. Ellis on page 4, second paragraph teaches the step of animation of first product by rotating the 3-D representation of the product.

6. Claims 5 and 13.

The method according to claim 1, wherein the method further comprises the step of changing the displayed representation of the first variant of the first component in the predetermined relationship to the second variant of the second component in response to user commands, where the changing of the displayed representation corresponds to operations selected from the class of operations comprising rotate, flip, pan, and zoom. Ellis in fig. 6 illustrates the class of operations: rotation, zoom, flip (viewing the Roof) and panning (night view, back seat and passenger).

7. Claims 6 and 14.

The method according to claim 1, wherein the method further comprises the step of animating the displayed representation of the first variant of the first component in the predetermined relationship to the second variant of the second component in response to user commands. Ellis on page 4, second paragraph teaches the step of animation of first product by rotating the 3-D representation of the product. And also see fig. 6.

8. Claims 7 and 15.

The method according to claims 1, wherein the step of presenting to a user via a user interface a selected one of the first and second plurality of variants of the corresponding first or second component further comprises the step of limiting the presented plurality of variants to a subset

of the corresponding first or second plurality of variants indicated as being available by a set of inventory data received from an inventory management system. Ellis on page 4, second paragraph teaches the step of animation of first product by rotating the 3-D representation of the product. And also see fig. 6.

9. Claims 8 and 16.

The method further comprises the step of transmitting ordering information to a production management system, the order information including configuration data identifying the first variant of the first component and the second variant of the second component. Ellis on page 4, second paragraph teaches the step of animation of first product by rotating the 3-D representation of the product. And also see fig. 6.

10. Claim 17.

Use of a method according to any one of the claims 1 through 8 in a build-to-order assembly system, where a product is assembled from pre-fabricated components. Ellis in figs. 4 and 5 illustrates the step of pre-fabricated components.

11. Claim 18.

Use of a method according to any one of the claims 1 through 8 for customizing a medical application device. The step is obvious because instead of a car or a computer, medical device can be use on the application.

12. Claim 19.

A computer program comprising program code means for performing all the steps of any one of the claims 1 through 8 when said program is run on a computer. The step is obvious, see Ellis in fig. 1.

13. Claim 20.

A computer program product comprising program code means stored on a computer readable medium for performing a method of any one of the claims 1 through 8 when said computer program product is run on a computer. The step is obvious, see Ellis in fig. 1.

14. Claim 21.

A computer data signal embodied in a carrier wave, comprising program code means for performing all the steps of any one of the claims 1 through 8 when said program is run on a computer. The step is obvious, see Ellis in fig. 1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A Amini whose telephone number is 703-605-4248. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini
Examiner
Art Unit 2672

Javid Amini

Jeffery A. Brin
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PRIMARY EXAMINER